

S. B. No. 108 was finally passed today was reconsidered.

Question—Shall S. B. No. 108 be finally passed?

Welcome Resolutions

S. R. No. 169—By Senator Word: Extending welcome to Civics Class of Leahey High School.

S. R. No. 170—By Senator Herring: Extending welcome to Third and Fourth Grade Classes of Maplewood Elementary School of Austin.

Adjournment

On motion of Senator Hardeman the Senate at 11:15 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,
February 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 24 "An Act setting aside for park purposes only the mineral estate of certain land in the Counties of Culberson and Hudspeth to be used as a part of the Guadalupe Mountains National Park; making other provisions relating to the creation of Guadalupe Mountains National Park; providing certain powers and duties of the Commissioner of the General Land Office and other officials relating thereto; providing a severability clause; providing a repealing clause; providing a reverter clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

February 27, 1967

S. B. No. 39
S. B. No. 111
S. B. No. 112
S. B. No. 74
S. B. No. 14
S. B. No. 9

TWENTY-SEVENTH DAY

(Tuesday, February 28, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Connally	Strong
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word
Herring	

Absent—Excused

Creighton	Kennard
Hazlewood	Parkhouse

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Parkhouse was granted leave of absence for today and the remainder of the week on account of illness in the family on motion of Senator Hardeman.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Brooks.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 39, In memory of J. C. Porter.

S. C. R. No. 26, Congratulating the Order of DeMolay.

H. B. No. 276, A bill to be entitled "An Act concerning planning; designating the Governor the Chief Planning Officer of the State; providing Interagency Planning Councils; establishing a Division of Planning Coordination; providing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Hardeman submitted the following report:

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 211, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Hightower submitted the following report:

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 204, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HIGHTOWER, Chairman, Acting.

Senator Aikin submitted the following report:

Austin, Texas,
February 28, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Rules, to which was referred H. C. R. No. 35, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 24, A bill to be entitled "An Act setting aside for park purposes only the mineral estate of certain land in the counties of Culberson and Hudspeth to be used as a part of the Guadalupe Mountains National Park; making other provisions relating to the creation of Guadalupe Mountains National Park; providing certain powers and duties of the Commissioner of the General Land Office and other officials relating thereto; providing a severability clause; providing a repealing clause; providing a reverter clause; and declaring an emergency."

H. C. R. No. 37, Recognizing Captain Jack Moffitt, Houston fireman, for his act of heroism.

H. C. R. No. 38, In memory of Cal Farley.

H. B. No. 245, A bill to be entitled "An Act providing for payment by the Teacher Retirement System of Texas of supplemental service retirement benefits as herein prescribed to each person who has retired as a teacher member prior to the effective date of this Act; prescribing the amount of such benefits, its duration, and source from which such benefits are to be paid; defining certain terms as used herein; declaring the Act to be cumulative; and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 7, to Committee on State Affairs.

H. B. No. 362, to Committee on Jurisprudence.

Senate Bills and Resolution on First Reading

By Senators Aikin, Blanchard and Watson:

S. B. No. 308, A bill to be entitled "An Act amending Article 8309, Revised Civil Statutes, 1925, the same being Part 4 of the Workmen's Compensation Law, as said Article 8309 has been heretofore amended, by amending Section 1a of said Article to permit insurance coverage as employees to be carried on executive officers of corporations which are subscribers under this law, including charitable, religious, educational and other nonprofit corporations as well as business corporations but excluding those educational corporations controlled by Articles 8309b and 8309d; to specify that under no circumstances shall any executive officer of any corporation be counted in determining whether or not an employer has three or more employees so as to be subject to the provisions of the Workmen's Compensation Law as specified therein in Part 1, Section 2; providing that in the event of conflict with the provisions of any other law, the provisions hereof shall take precedent and prevail to the extent of such conflict; providing a saving clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Watson:

S. B. No. 309, A bill to be entitled "An Act relating to jurisdiction over traffic offenses occurring on highways of the State Highway System; amending Article 1195, Revised Civil Statutes of Texas, 1925; amending Article 4.14, Code of Criminal Procedure, 1965; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Grover:

S. B. No. 310, A bill to be entitled "An Act providing for limitation on appointments made by the Governor in filling vacancies on boards and commissions; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 311, A bill to be entitled "An Act to amend Sec. 18a, Article 8308, Revised Civil Statutes of Texas, so as to permit local recording agent to sign certain notices of renewal of existing insurance policies required to

be filed with Industrial Accident Board; and declaring an emergency."

To the Committee on Insurance.

By Senator Cole:

S. B. No. 312, A bill to be entitled "An Act amending Title 48, Chapter 16, Articles 2861, 2862, Revised Statutes, 1911, authorizing independent school districts to employ their own tax assessors and to have their taxes collected by the county tax collector, without being required to have their assessments made at the same valuations that are used for State and county taxation, and providing that this Act shall be cumulative of other existing laws; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Cole:

S. B. No. 313, A bill to be entitled "An Act authorizing the State Board of Education to provide for the establishment and procedure for operation of Regional Education Service Centers under provisions hereof and Senate Bill 408, Acts of 59th Legislature (codified Article 2654-3d, V.T.C.S.) for providing educational services to school districts and coordinating educational planning in the region; authorizing the governing body of each such center to contract and to expend grants received from public and private organizations for purpose(s) contracted, pursuant to rules and regulations of the State Board of Education; providing a severability clause; and declaring an emergency."

To the Committee on Education.

By Senator Cole:

S. B. No. 314, A bill to be entitled "An Act amending subsection (4)c of Section 1 of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949 (compiled as subsection (4)c under Section 1 of Article 2922-13, V.T.C.S.) to provide for supervisor units for approved exceptional children education programs, prescribing the formula for the allocation of such exceptional children supervisor unit(s) and by reference the applicable minimum salary schedule; providing for an effective date of this Act; and declaring an emergency."

To the Committee on Education.

By Senator Bates:

S. B. No. 315, A bill to be entitled "An Act amending Article 3, Chapter IX, The Texas Banking Code of 1943, as amended (Article 342-903, Vernon's Texas Civil Statutes), relating to the prohibition of more than one remote banking facility; and declaring an emergency."

To the Committee on Banking.

By Senators Christie and Wade:

S. B. No. 316, A bill to be entitled "An Act to prohibit and define an open saloon; providing for the issuance of a Retail Drink Permit; providing for an annual state fee for a Retail Drink Permit; providing for suspension or cancellation of a Retail Drink Permit; requiring the display of permits; prohibiting transfer of Retail Drink Permits; authorizing certain signs, providing for procedures for payment in sales and purchases of alcoholic beverages; providing for issuance of Server's Permits; providing for annual Server's Permit fee; providing for suspension or cancellation of Server's Permits; subjecting the holder of a Server's Permit to the provisions of Section 12b, Article I of the Texas Liquor Control Act; and providing for a city and county fee equal to one-half of the state fee for certain classes of permits; and providing for penalties for failing to pay such permit fee; providing for the levying of new taxes on alcoholic beverages; empowering the Board to provide certain Rules and Regulations with respect to the method and manner and time of payment of the taxes; allocating taxes and permit fees collected from holders of Retail Drink Permits to the credit of the general revenue fund; making it unlawful to employ anyone to sell liquor who is under the age of 21 years, to knowingly sell any liquor or beer to any person under 21 years of age, or to any intoxicated person or habitual drunkard, or to any insane person, and requiring proof of age and identity and providing penalties for violations; providing that it shall be unlawful for any person under the age of 21 years to purchase, possess, or consume alcoholic beverages in any public place unless accompanied by a parent, legal guardian or adult spouse and providing penalties for violations; providing that it shall be unlawful for certain persons to purchase for or knowingly

make available to, or give to any person under 21 years of age any alcoholic beverage except under certain conditions, and providing penalties for violations; providing that it shall be unlawful for any person under the age of 21 years to make false statements or present any false identification, and providing penalties for violations; providing that under certain conditions Package Stores may make sales of liquor to holders of Retail Drink Permits; providing for the maximum degree of local option legalization and retaining the local option status in certain areas unless changed by a majority vote of the qualified voters in such areas; providing that the provisions of this Act shall not take effect in any area unless or until the sale of all alcoholic beverages has been legalized and that no such permit shall be issued in any area until Section 31b of Article I of the Texas Liquor Control Act has been compiled with, and providing for the method of applying for a petition for a local option election to prohibit the issuance of Retail Drink Permits; providing for the method of calling an election for all classes of local option elections; providing for the submission of issues in all classes of local option elections; providing for hours of sale of liquor; providing for enforcement by all peace officers of the State and for arrests without a warrant by certain persons who have observed violations of the Texas Liquor Control Act; providing for suspension of permits or licenses; providing for annual state permit fees and permitting city and county permit fees, for private clubs which are not required to obtain a Retail Drink Permit, setting out procedures for filing reports and maintaining books and records by such private clubs; providing for cumulative effect and reconciling conflicts; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Brooks:

S. B. No. 317, A bill to be entitled "An Act authorizing justices of the peace of the same county to hold court for each other and to exchange benches; amending Chapter 2, Title 45, Revised Civil Statutes of Texas, 1925, by adding a new Article 2393a; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Brooks:

S. B. No. 318, A bill to be entitled "An Act to amend and re-enact Chapter 274, page 406, Section 1, Acts of the 48th Legislature, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination; and declaring an emergency."

To the Committee on State Affairs.

By Senator Jordan:

S. B. No. 319, A bill to be entitled "An Act providing minimum precautions to be taken by public utilities in relation to entering manholes; providing penalties for violations; and declaring an emergency."

To the Committee on State Affairs.

By Senator Wilson:

S. B. No. 320, A bill to be entitled "An Act relating to the permissible width of certain motor vehicles transporting unrefined timber from the point of origin to a wood processing mill; amending Subsection (a), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as last amended by Section 1, Chapter 158, Acts of the 54th Legislature, 1955 (Article 827a, Vernon's Texas Penal Code); and declaring an emergency."

To the Committee on Transportation.

By Senator Wilson:

S. B. No. 321, A bill to be entitled "An Act providing a system for exempting from ad valorem taxation certain capital investments related to air and water quality control: amending Chapter 42, Acts of the 57th Legislature, 1st Called Session, 1961 (Article 7621d, Vernon's Texas Civil Statutes), by adding a Section 6A; amending Chapter 687, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes), by adding a Section 12a; and declaring an emergency."

To the Committee on State Affairs.

By Senator Jordan:

S. B. No. 322, A bill to be entitled "An Act concerning the taking of oysters from the waters of Chambers and Galveston Counties, Texas; providing penalties; amending Sections 1 and 5, Chapter 217, Acts of the 55th

Legislature, Regular Session, 1957; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Wilson:

S. B. No. 323, A bill to be entitled "An Act relating to the extension of loads on certain motor vehicles beyond the rear of the vehicle; amending Chapter 73, Acts of the 54th Legislature, 1955, as amended by adding a Section 3a (Article 827a-3, Vernon's Texas Penal Code); and declaring an emergency."

To the Committee on Transportation.

By Senator Wade:

S. B. No. 324, A bill to be entitled "An Act amending Acts 1963, 58th Legislature, Chapter 504, page 1318, codified as Article 1.26, Insurance Code of Texas, defining credit guaranty insurance, providing for the maintenance of reserves, providing for the use of the contingency reserve; and declaring an emergency."

To the Committee on Insurance.

By Senator Grover:

S. B. No. 325, A bill to be entitled "An Act relating to raising the minimum age requirement for an operator's, commercial operator's, or chauffeur's license; providing for issuance of restricted or beginners' operators', commercial operators', and chauffeurs' licenses; amending Section 4, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on State Affairs.

By Senator Wilson:

S. J. R. No. 24, Proposing an amendment to Article 8 of the Constitution of the State of Texas by adding a Section 2-a to authorize the Legislature to provide a system for exempting certain property from ad valorem taxation.

To the Committee on Constitutional Amendments.

Senate Resolution 174

Senator Hightower offered the following resolution:

Whereas, Robert Lorraine Aikin, son of A. M. Aikin, III, who was a Mascot

of the Senate of Texas in 1947, and the grandson of our esteemed colleague, the Honorable A. M. Aikin; and

Whereas, Robert Lorange Aikin has exhibited evidence of having inherited the many fine qualities of his beloved parents and grandparents; and

Whereas, The Members of the 60th Senate of Texas desire to proclaim their admiration and love for this fine young man by bestowing honor and recognition upon him; now, therefore, be it

Resolved, That Robert Lorange Aikin be designated as "Mascot" of the Senate of the 60th Legislature and that his photograph be placed on the panel picture with the Members of the 60th Senate; and be it further

Resolved, That copies of this Resolution be presented to him, his parents, and his grandparents as a memento of this honor, and that best wishes be extended to him for health, happiness, and success throughout his entire life.

The resolution was read and was adopted.

House Concurrent Resolution 39 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 39, Memorial resolution for J. C. Porter.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

Co-Author of Senate Bill 301

On motion of Senator Ratliff and by unanimous consent Senator Herring will be shown as Co-author of S. B. No. 301.

Senate Bills 107 and 108 Laid on Table Subject to Call

On motion of Senator Cole and by unanimous consent S. B. Nos. 107 and 108 were Laid on the Table Subject to Call.

House Concurrent Resolution 35 Ordered Not Printed

On motion of Senator Aikin and by

unanimous consent H. C. R. No. 35 was ordered not printed.

House Concurrent Resolution 35 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 35, Inviting U.S. Senators Ralph Yarborough and John Tower to address a Joint Session of the Sixtieth Legislature.

The resolution was read and was adopted.

Senate Resolution 33

Senator Blanchard moved that S. R. No. 33 be taken up for consideration at this time, (the resolution having been introduced on Monday, January 23, 1967, and further consideration thereof temporarily withdrawn.)

Question—Shall S. R. No. 33 be adopted?

The President referred the resolution to the Committee on Rules.

Memorial Resolution

S. R. No. 173—By Senator Word: Memorial resolution for Tom R. Mears.

Welcome Resolutions

S. R. No. 171—By Senator Herring: Extending welcome to teachers and students of Fifth Grade of Eanes School of Austin.

S. R. No. 175—By Senator Brooks: Extending welcome to students of The Chilean Texas Student Leaders Seminar.

Adjournment

On motion of Senator Hardeman the Senate at 11:05 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

February 28, 1967

S. B. No. 24

In Memory of

Joe Weingarten

Senator Schwartz offered the following resolution:

(Senate Resolution 172)

Whereas, Our State lost one of its fine and outstanding citizens with the death of Mr. Joe Weingarten on February 26, 1967; and

Whereas, He was born in 1885 in Borisloff, Galacia, then a part of the Austrian Empire, the eldest son of Harris Weingarten, a miner, and he came to the United States at the age of 4 years; and

Whereas, His family settled in Richmond, then moved to Houston, where he attended public school to the fifth grade, when he withdrew to help his father in his small store; and

Whereas, His brothers Sol and Abe joined the business and J. Weingarten, Incorporated, was founded in 1914; through their effort, a small business grew to a 70-store supermarket chain; and

Whereas, Joe Weingarten was president and founder of the World Institute for World Peace, an educational organization dedicated to the prevention of war; he was founder and first president of the Super Market Institute of America; he served as leader in the United Jewish Appeal and was honored by the National Conference of Christians and Jews for his contribution of understanding among the different religious faiths; and

Whereas, He served as a national vice-president of the United Palestine Appeal; he was a life member of B'nai B'rith; he was a charter member of the Houston Livestock Show; a fellow of Brandeis University; Chairman of the building committee of Congregation Beth Yeshurun; a member of the executive board of the Boy Scouts of America; the board of directors of Baylor University College of Medicine and Texas Medical Center; executive committee of the Jewish Community Council; and

Whereas, He had also served on the Board of Trustees of the United Fund of Houston and Harris County; as director of the Boy Builders organization; and last April was honored for his peace work and his civic and religious accomplishments, and on this occasion, Governor John Connally said of Joe Weingarten: "In every way that a man can be a leader, in every way a man can succeed, Mr. Joe has succeeded beyond precedent;" now, therefore, be it

Resolved, That the Senate of Texas does hereby recognize the many achievements of Mr. Joe Weingarten for his outstanding contributions to world peace, and for his years of philanthropic, civic and community service to his fellow man; and expresses its sympathy to his wife; two sons, Bernard and Jack; a brother, Abe; a sister, Mrs. Irving W. Alexander; and his ten grandchildren; and be it further

Resolved, That, as an indication of our great esteem for this great man, the Senate of Texas directs that copies of this Resolution be sent to members of his family by the Secretary of the Senate under the seal of the Senate; and that a page in the Journal be set aside in his memory; and that when the Senate adjourns today, it do so in honor of Mr. Joe Weingarten.

SCHWARTZ
GROVER
JORDAN
COLE
BROOKS

The resolution was read and was adopted by a rising vote of the Senate.